

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are **not** confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	13-56578		
District Court/Agency Case Number(s):	2:13-cv-03963-GAF-JEM		
District Court/Agency Location:	United States District Court, Central District of California - Los Angeles		
Case Name:	MARVA MITCHELL	v.	WELLS FARGO BANK, N.A.
If District Court, docket entry number(s) of order(s) appealed from:	25,		
Name of party/parties submitting this form:	MARVA MITCHELL		

Please briefly describe the dispute that gave rise to this lawsuit.

In this action, Plaintiff Marva Mitchell seeks to challenge the loan origination and securitization practices of Defendants Wells Fargo Bank, N.A. ("Wells Fargo"), HSBC Bank USA, N.A. ("HSBC"), and Cal-Western Reconveyance Corporation ("Cal-Western") (collectively "Defendants"). Plaintiff, in eight state and two federal causes of action, contends that Defendants hold no interest in her residence, may not foreclose on the property, and have caused her damages through their lending and securitization practices.

Briefly describe the result below and the main issues on appeal.

The District Court granted Defendants motion to dismiss. The main issues on appeal are: 1) Whether the Court erred in finding that HOLA preempts seven of Plaintiff's state law claims; 2) Whether the court erred in ruling that Plaintiff's claims were not pled sufficiently; 3) Whether the Court erred in not granting further leave to amend.

Describe any proceedings remaining below or any related proceedings in other tribunals.

No other proceedings remaining below or any related proceedings in other tribunals at the time of this filing.

Provide any other thoughts you would like to bring to the attention of the mediator.

This case may come to a resolution through loan modification.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses is attached

☒ (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list

☒ may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in Appellate ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into Appellate ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.

CURRENT SERVICE LIST

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Dated: December 3, 2013

RODRIGUEZ LAW GROUP, INC.

/s/ Patricia Rodriguez

By: Patricia Rodriguez, Esq.
Attorneys for Plaintiff

9th Circuit Case Number(s) 13-56578

NOTE: To secure your input, you should print the filled-in form to PDF (File > Print > *PDF Printer/Creator*).

CERTIFICATE OF SERVICE

When All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date) 12/2/2013 .

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature (use "s/" format) /s/ Patricia Rodriguez

CERTIFICATE OF SERVICE

When Not All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date) .

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Signature (use "s/" format)